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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,220	07/07/2003	Donald Gene Bishop	ABIS.001	8549

7590 09/16/2004

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EXAMINER

SANDY, ROBERT JOHN

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 09/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Interview Summary</b>	Application No.	Applicant(s)	
	10/615,220	BISHOP, DONALD GENE	
	Examiner	Art Unit	
	Robert J. Sandy	3677	

All participants (applicant, applicant's representative, PTO personnel):

(1) Robert J. Sandy. (3)\_\_\_\_\_.

(2) Rudolf Siegesmund (Reg. 37,720). (4)\_\_\_\_\_.

Date of Interview: 08 September 2004.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 1,16,27 and 31.


Identification of prior art discussed: Sullivan (USPN 374,715) and Juda et al. (USPN 6,502,284).

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

  
**ROBERT J. SANDY**  
**PRIMARY EXAMINER**

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The proposed amendment (see attached fax received 9/8/2004) to the claims to further define "a first cover adapted for engagement to and enclosure in a full 360° circle of a first one of the . . . shirt buttons" in each of the independent claims would appear to define over the Sullivan ('715) device. The Sullivan device shown in Fig. 3 where the front B and back A are spaced apart from one another does not appear to meet the "enclosure in a full 360° circle" limitation proposed. Further reconsideration and review is required in view of a newly found reference to Juda et al. (U. S. Patent No. 6,502,284, not yet of record). Therefore, no agreement has been reached pertaining to the new issue proposed in the limitation of "a first cover adapted for engagement to and enclosure in a full 360° circle of a first one of the . . . shirt buttons".

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## FACSIMILE TRANSMITTAL SHEET

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TO:  
Examiner Robert Sandy

FROM:  
Rudolf Siegesmund

COMPANY:  
USPTO, Art Unit 3677

DATE:  
9/8/2004

FAX NUMBER:  
703-746-3767

NO. OF PAGES INCLUDING COVER:  
13

PHONE NUMBER:  
Click to insert phone number

RE:  
Proposed Amendment

NOTES/COMMENTS:  
Click to insert notes or comments to accompany the fax

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/615,220  
Applicant: Bishop  
Filing Date: 7/7/2003  
Group Art Unit: 3677  
Title: Necktie Restraining Device

## AMENDMENT

Mail Stop Non Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the communication from the Examiner mailed 6/29/2004, please amend the application identified above as follows:

Organization of Amendment:

Section A. Remarks

Section B. Claim Amendments

**DRAFT**

## A. REMARKS

**DRAFT****1. Drawings**

Applicant submits substitute drawing sheet for FIG. 1 and FIG. 2 with printed callout number 100 in place of the written callout number. No new matter has been added.

**2. Claim objections**

Claims 23, 24 and 27 have been amended to remove the examiner's objections.

**3. Claim Rejections – 35 USC § 112**

The examiner rejected claims 12 and 16-30 for indefiniteness. Claims 12, 16 and 27 have been amended to remove the basis for the objections in claims 12 and 16-30.

**4. Claim Rejections – 35 USC §102**

The examiner rejected Claims 1-11, 14-28, 30 and 31 as being anticipated by Sullivan (U.S. Patent 374,715). Applicant has amended independent claims 1, 16, 27 and 31 to include the limitation that the covers engage and enclose the buttons "in a full 360° circle." Support for the amendment is found on page 8, lines 11-12 of the specification and in FIG. 1-4. Sullivan cannot enclose the buttons in a full 360° circle because Sullivan does not have a rim for this purpose.

Applicant further amended claims dependent claims 2 and 3 and independent claims 16 and 27 to add the limitation that the first front and first back are hingedly connected "so that the first front can be opened substantially in relation to the first back." The same limitation was added for the second front and second back. Because Sullivan's "integral hinge" is of unitary construction, Sullivan's alleged "front" and "back" can only provide an insubstantial degree of rotation, if any.

For the foregoing reasons, applicant submits that the claims as amended distinguish over Sullivan.

#### **4. Allowable Subject Matter**

The examiner stated that the subject matter of claims 12 or 13 would be allowable if incorporated with the limitations of the independent claim or any intervening claim. Applicant has not amended claims 12 or 13 because the independent claims have been amended to distinguish over Sullivan as set forth above.

**DRAFT**

## B. CLAIM AMENDMENTS

**DRAFT**

1. (Currently amended) A necktie control device for use with a shirt having a plurality of shirt buttons and a necktie having a necktie label comprising:

a first cover adapted for engagement to and enclosure in a full 360° circle of a first one of the plurality of shirt buttons;

a second cover adapted for engagement to and enclosure in a full 360° circle of a second one of the plurality of shirt buttons;

a flexible connector engaged to the first cover and the second cover; and

wherein the first cover or the second cover is adapted for passage between the necktie label and the necktie.

2. (Currently amended) The first cover of claim 1 ~~further comprising a first front is~~ hingedly connected to a first back so that the first front can be opened substantially in relation to the first back.

3. (Currently amended) The second cover of claim 1 ~~further comprising wherein a second front is~~ hingedly connected to a second back so that the second front can be opened substantially in relation to the second back.

4. (Currently amended) The first back of claim 2 further comprising a slot adapted for passage of a group of threads affixing the first one of the plurality of shirt buttons to the shirt.



**DRAFT**

5. (Currently amended) The second back of claim 3 further comprising a slot adapted for passage of a group of threads affixing the second one of the plurality of shirt buttons to the shirt.
6. (Original) The necktie control device of claim 1 wherein the connector comprises a chain.
7. (Original) The chain of claim 6 further comprising a first end and a second end wherein the first end is connected to the first cover by a first ring and the second end is connected to the second cover by a second ring.
8. (Original) The first front of claim 2 further comprising a first flat circular top area adapted for placement of an artwork.
9. (Original) The second front of claim 2 further comprising a second flat circular top area adapted for placement of an artwork.
10. (Original) The necktie control device of claim 1 where the first cover and the second cover are identical.

**DRAFT**

11. (Original) The connector of claim 1 wherein the length of the connector is in the range of approximately 3 ½ inches to 4 inches.

12. (Currently amended) The first cover of claim 2 wherein the ~~top~~ second front is engaged by a plurality of first posts when first cover is in a closed position.

13. (Currently amended) The second cover of claim 2 wherein the ~~top~~ second front is engaged by a plurality of second posts.

14. (Original) The first back of claim 2 further comprising a first hinge that is of unitary construction with the first back.

15. (Original) The second back of claim 2 further comprising a second hinge that is of unitary construction with the second back.

16. (Currently amended) A necktie control device for use with a shirt having a plurality of shirt buttons and a necktie having a necktie label comprising:

a first cover adapted for engagement to and enclosure in a full 360° circle of a first one of the plurality of shirt buttons;

a second cover adapted for engagement to and enclosure in a full 360° circle of a second one of the plurality of shirt buttons;

a flexible connector engaged to the first cover and the second cover; and

**DRAFT**

wherein the first cover or the second cover is adapted for passage between the necktie label and the necktie;

wherein the first cover comprises a first front hingedly connected to a first base back so that the first front can be opened substantially in relation to the first back;

wherein the second cover comprises a second front hingedly connected to a second baseback so that the second front can be opened substantially in relation to the second back;

wherein the first baseback comprises ~~an aperture~~ a first slot and ~~an~~ a first opening wherein the slot is adapted for passage of a first group of threads for affixing the first one of the plurality of shirt buttons to the shirt and the first opening is adapted for receiving the first group of threads; and

wherein the second baseback comprises a second slot and ~~an~~ a second opening wherein the second slot is adapted for passage of a second group of threads for affixing the second one of the plurality of shirt buttons to the shirt and the second opening is adapted for receiving the second group of threads.

17. (Original) The necktie control device of claim 16 wherein the connector comprises a chain.

18. (Original) The chain of claim 17 further comprising a first end and a second end wherein the first end is connected to the first cover by a first ring and the second end is connected to the second cover by a second ring.

**DRAFT**

19. (Original) The first front of claim 16 further comprising a first flat circular top area adapted for placement of an artwork.

20. (Currently amended) The second front of claim 16 further comprising a second flat circular top area adapted for placement of an artwork.

21. (Original) The necktie control device of claim 16 where the first cover and the second cover are identical.

22. (Original) The connector of claim 16 wherein the length of the connector is in the range of approximately 3 ½ inches to 4 inches.

23. (Currently amended) The first cover of claim 16 wherein the ~~top~~first front and the ~~slotted~~first back may be ~~are~~ engaged by a plurality of first posts.

24. (Currently amended) The second cover of claim 16 wherein the ~~top~~second front and the ~~slotted~~second back may be ~~are~~ engaged by a plurality of second posts.

25. (Original) The first back of claim 16 further comprising a first hinge that is of unitary construction with the first back.

26. (Original) The second back of claim 16 further comprising a second hinge that is of unitary construction with the second back.

**DRAFT**

27. (Currently amended) A necktie control device for use with a shirt having a plurality of shirt buttons and a necktie having a necktie label comprising:

a first cover adapted for engagement to and enclosure of a first one of the plurality of shirt buttons;

a second cover adapted for engagement to and enclosure of a second one of the plurality of shirt buttons;

a flexible connector engaged to the first cover and the second cover; and  
wherein the first cover or the second cover is adapted for passage between the necktie label and the necktie;

wherein the first cover comprises a first front hingedly connected to a first ~~baseback~~ so that the first front can be opened substantially in relation to the first back;

wherein the second cover comprises a second front hingedly connected to a second ~~baseback~~ so that the second front can be opened substantially in relation to the second back;

wherein the first baseback comprises ~~an~~ a first slot and ~~an~~ a first opening wherein the first slot is adapted for passage of a first group of threads for affixing the first one of the plurality of shirt buttons to the shirt and the first opening is adapted for receiving the first group of threads;

wherein the second baseback comprises ~~an~~ a second slot and ~~an~~ a second opening wherein the second slot is adapted for passage of a second group of threads affixing the second one of the plurality of shirt buttons to the shirt;

wherein the flexible connector comprises a first end and a second end;

**DRAFT**

wherein the first end is connected to the first cover by a first ring and the second end is connected to the second cover by a second ring;

wherein the first front further comprises a first flat circular top area adapted for placement of an artwork;

wherein the second front further comprises a second flat circular top area adapted for placement of an artwork;

wherein the first ~~cover top~~ front and the first back may be engaged by a plurality of first posts;

wherein the second ~~cover top~~ front and the ~~back~~ second back may be engaged by a plurality of second posts;

wherein the first back comprises a first hinge that is of unitary construction with the first back; and

wherein the second back comprises a second hinge that is of unitary construction with the second back.

28. (Original) The necktie control device of claim 27 wherein the first cover and the second cover are identical.

29. (Original) The connector of claim 27 wherein the length of the connector is in the range of approximately 3 ½ inches to 4 inches.

30. (Original) The necktie control device of claim 27 wherein the connector comprises a chain.

**DRAFT**

31. (Currently amended) A necktie control device comprising a set of two covers adapted for covering and engaging in a full 360° circle a corresponding set of two buttons on a shirt wherein the two covers are flexibly connected.

**DRAFT**

For the foregoing reasons, the Applicant submits that the claims of the present application are not fairly taught by any of the references of record, taken either alone or in combination. Therefore, allowance of the present application is in order, and is requested.

Respectfully submitted,

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On \_\_\_\_\_  
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\_\_\_\_\_  
Rudolf O. Siegesmund